

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket No. 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local)	
and Interexchange Carriers)	
)	

**REPLY COMMENTS OF THE NATIONAL ASSOCIATION
OF STATE UTILITY CONSUMER ADVOCATES**

In initial comments responding to the Federal Communications Commission’s (“FCC” or “Commission”) *Further Notice of Proposed Rulemaking* (“FNPRM”)¹ in this docket, the National Association of State Utility Consumer Advocates (“NASUCA”)² supported the establishment of minimum customer account information exchange obligations for all local exchange carriers (“LECs”). NASUCA’s position was based on its belief that uniform minimum standards would promote competition, aid in providing customers a quick and seamless transition from

¹ *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 02-386, FCC 05-29 (Rel. Feb. 25, 2005). See 70 Fed. Reg. 31406 (June 1, 2005).

² NASUCA is a voluntary association of 44 advocate offices in 41 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. See, e.g., Ohio Rev. Code Chapter 4911; Pa. Cons. Stat. Ann. § 309-4(a); Md. Pub. Util. Code Ann. § 2-205; Minn. Stat. § 8.33; D.C. Code Ann. § 34-804(d); Iowa Code § 475A.2. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g. the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

one carrier to another, and aid LECs in avoiding delays in transfers, double billing problems, and customer dissatisfaction.³ NASUCA files these reply comments to the comments submitted in response to the *FNPRM*.

The carriers and carrier organizations that filed comments in this docket divide into two camps: those who believe there are widespread problems with the current LEC-to-LEC exchange of information which must be addressed,⁴ and those who see few current problems and no reason for any Commission action.⁵ Both camps agree, however, that the Alliance for Telecommunications Industry Solutions (“ATIS”) Ordering and Billing Forum (“OBF”) “Local Service Migration Guidelines” facilitate the sharing of customer service records among LECs and should (or could, if the Commission determines to act) be used as a template for the minimum standards.⁶

As NASUCA pointed out in its initial comments, however, these guidelines are voluntary and not subscribed to by all industry members. Indeed, it is likely that the disparate views on the extent of the problems sought to be addressed in this docket are

³ NASUCA Initial Comments, pp. 2-4.

⁴ AT&T Corp. (“AT&T”) Comments, pp. 6-14; BellSouth Corporation (“BellSouth”) Comments, pp. 3-7, 10; SBC Communications Inc. (“SBC”) Comments, pp. 2-4. Verizon Communications Inc.’s local telephone companies (“Verizon”) acknowledge the problems noted by BellSouth, AT&T and SBC, but say that no action be should taken by the Commission at this time. Instead, Verizon asks the Commission to allow industry and states to pursue solutions. Verizon Comments, pp. 1-2, 6. Absent Commission action, however, the solutions are uncertain and dependent on these voluntary efforts.

⁵ CompTel/ALTS Comments, pp. 2, 5, 8-9; Cox Communications, Inc. (“Cox”) Comments, p. 2-3; MCI, Inc. (“MCI”) Comments, p. 3; TDS Telecommunications Corp. (“TDS”) Comments, pp. 1-2. CompTel/ALTS, Cox and TDS each refer to the imposition of mandatory minimum standards as a solution in search of a problem. The fact that industry is pursuing solutions, as discussed in the previous footnote, shows that there indeed is a problem.

⁶ AT&T Comments, p. 19-24; BellSouth Comments, pp. 10-11; CompTel/ALTS Comments, p. 7; Cox Comments, p. 4; MCI Comments, p. 4, 6; SBC Comments, p. 6; TDS Comments, pp. 3-4; Verizon Comments, p. 5. The current version of the OBF voluntary industry guidelines, adopted in October 2004, were attached to SBC’s filed comments.

informed by whether or not the OBF guidelines have been adopted or followed by the carriers involved. NASUCA supports the adoption of *enforceable* minimum standards applicable to *all* carriers.

TDS states that “the concerns arising from information exchange between LECs ... generally do not implicate small and rural LECs.”⁷ Clearly, this is because such LECs infrequently (if ever) transfer customers to other LECs, the subject of the inquiry here. Therefore, it is difficult to see how the adoption of mandatory guidelines for LECs that do transfer customers would impact most small LECs.

NASUCA did not recommend or endorse any particular format or methodology for the exchange of information,⁸ but urged the Commission to adopt only minimum requirements. Most other commenters also urged the Commission to be minimalist and flexible, both to allow the processes developed to accommodate the widest varieties of carriers in a rapidly changing industry⁹ and to minimize the operational and cost burden that highly specific mandatory standards might impose on carriers, particularly smaller ones, or those which already comply with the OBF guidelines.¹⁰ Contrary to the position expressed by Verizon, however, the Commission should not relieve the Regional Bell Operating Companies (“RBOCs”) from specific metric and performance obligations put in place when the RBOCS were

⁷ TDS Comments at 1.

⁸ Neustar, Inc. (“Neustar”) filed comments describing its centralized clearinghouse service as one possible approach. Neustar Comments, pp. 2-5.

⁹ See, e.g., AT&T Comments, pp. 16-17, 26-27; BellSouth Comments, pp. 14-15; SBC Comments, p. 7.

¹⁰ See, e.g., CompTel/ALTS Comments, p. 6; MCI Comments, p. 5; TDS Comments, p. 4-5.

receiving interLATA long distance authority under 47 U.S.C. § 271.¹¹ These enforceable performance standards already significantly reduce problems in RBOC-to-CLEC customer migrations; rescinding them does not address the problems which may be encountered elsewhere in the industry.¹²

NASUCA also urged the Commission to permit states to preserve customer migration requirements, already in place or under consideration, developed in response to customer complaints.¹³ The New York Department of Public Service (“NY DPS”) described its End User Migration Guidelines, adopted through a collaborative process in response to customer complaints, which “have proven to be highly effective in promoting order and efficiency in New York’s aggressively competitive telecommunications market.”¹⁴ NASUCA agrees with the NY DPS that the Commission should not preempt state requirements, particularly when the states that have already acted have done so in response to problems and concerns in their local markets.¹⁵ States that have not yet acted may have experienced a less “aggressively competitive” local market. The adoption of minimum, enforceable standards by the Commission may well obviate the need for other states to act.

Respectfully submitted,

¹¹ Verizon Comments, pp. 3, 7.

¹² See CompTel/ALTS Comments, pp. 2-3.

¹³ NASUCA Initial Comments, pp. 4-5.

¹⁴ NYDPS Comments, p. 2.

¹⁵ Id., p. 4-5. NYDPS suggests the Commission also consider the New York guidelines as a template. Id.

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